IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

CONSERVATION LAW FOUNDATION, et al.)	
Plaintiffs,)	
v.)	Case No. 1:00CV01134 GK
DONALD L. EVANS, et al.)	
Defendants.)	
)	

FEDERAL DEFENDANTS' STATUS REPORT AND NOTICE OF LEGISLATION

On May 23, 2002, the Court entered an order requiring, among other things, that defendants promulgate, not later than August 22, 2003, a Fishery Management Plan Amendment ("Amendment 13") that complies with the overfishing, rebuilding, and bycatch provisions of the Sustainable Fisheries Act. On December 3, 2002, the Court endorsed a stipulation entered by plaintiffs and defendants in which the deadline for Amendment 13 was extended to May 1, 2004.

Defendant National Marine Fisheries Service has been proceeding on a schedule that was expected to allow for implementation by the court-ordered deadline. (See Declaration of Patricia A. Kurkul, Regional Administrator, NMFS' Northeast Region, attached hereto as exhibit 1). On January 23, 2004, President Bush signed the Consolidated Appropriations Act, 2004 ("2004 Appropriations Act"), authorizing appropriations for Fiscal Year 2004. The 2004 Appropriations Act includes the following provision:

(a) None of the funds made available under this Act may be obligated or expended to implement any measures to reduce overfishing and promote rebuilding of fish stocks managed under the Management Plan other than such measures set out in the final rule.

(b) In this section: (1) The term "final rule" means the final rule of the National Oceanic and Atmospheric Administration relating to the Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery that was published on June 27, 2003 (68 Fed. Reg. 38234). (2) The term "Management Plan" means the Northeast Multispecies Fishery Management Plan prepared pursuant to section 303 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1853).

§ 2, Div. H, § 105 ("Section 105") (copy attached hereto as exhibit 2).

Consistent with Local Rule 7.1(m), defendants intend to confer with the other parties and amicus in this litigation to discuss the extent to which the deadline for Amendment 13 established by the Court may be affected by Section 105. After a reasonable time to confer with the other parties and amicus, defendants will provide the Court with an additional status report or seek further relief as may be appropriate.

Dated: January 27, 2004 Respectfully submitted,

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/s/

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